



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of inventor(s):

WEISER, Isaac, et al.

Serial Number: 10/612,094

Examiner: GARCIA, Ernesto

Filed: 07/01/2003

Art Unit: 3679

Confirmation No.: 5817

For: PLASTIC CONNECTOR FOR CONNECTING PARTS AND METHOD THEREFOR

MS: Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT
OFFICE ACTION DATED OCTOBER 20, 2004**

Dear Sir:

Responsive to the Office Action restriction requirement dated October 20, 2004,
Applicants provisionally elect Embodiment II comprising Claims 4-8, 10 and 11 as indicated
by the Examiner.

The election is made with traverse inasmuch as it would appear that all of the claims
i.e. 1-16 are really drawn to a singular inventive concept as shown in the drawings and as set
forth in the claims.

It would seem that the Examiner's restriction requirement is nothing more than an
attempt to secure an additional patent application filing for but a single invention.

In *In re Lee*, 199 U.S.P.Q. (BNA) 108, the petitioner argued that the claims which the Examiner was requiring restriction on would not be patentable over the remaining claims. In reversing the Examiner's requirement for restriction, the Commissioner stated:

" . . . it is important from the standpoint of public interest that no restriction requirements be made which might result in the issuance of two patents to the same invention. The nullification of double patenting as a ground of rejection provided for in the third sentence of 35 U.S.C. 121 imposes a heavy burden on the Office to guard against erroneous requirements for restriction where the claims define essentially the same invention and which if acquiesced in might result in more than one patent for essentially the same invention with attendant prolongation of patent monopoly."

In the instant case, it is submitted that there is but a single inventive concept and that the application comprising all of the claims, i.e. 1-16, inclusive, cover that single inventive embodiment. Multiple embodiments of a single invention may be included in the same application where they are patentably indistinct. See *In re Rubinfeld* 270 F.2d. 391, 123 USPQ 210 (CCPA 1959). However, as indicated solely to advance the prosecution of the case, if the Examiner is still adamant in suggesting that there are two separate inventions, applicants elect Embodiment II as represented by Claims 4-8, 10 and 11, inclusive.

The Examiner is respectfully requested to reconsider the restriction requirements in view of the foregoing.

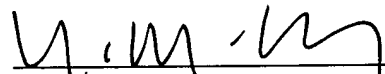
If the Examiner believes that a telephone or other conference would be of value in expediting the prosecution of the present application, enabling an Examiner's amendment or other meaningful discussion of the case, Applicants invite the Examiner to contact Applicants' representative at the number listed below.

With the above-referenced changes, it is believed that the application is in a condition for allowance; and Applicants respectfully request the Examiner to pass the application on to allowance. It is not believed that any additional fees are due; however, in the event any additional fees are due, the Examiner is authorized to charge Applicants' Attorney's Deposit Account No. 03-2030.

Respectfully submitted,

CISLO & THOMAS LLP

Date: October 24, 2004



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DMC:sc

Enclosure

Acknowledgement Postcard

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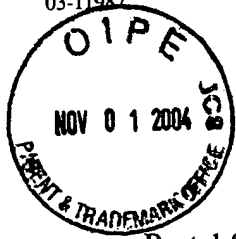
Reply to Office action of 10/20/2004

03-11987

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Donald M. Cislo, Reg. No. 22,060

10-26-04

Date

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